

Federal Communications Commission  
Washington



OFFICE OF  
THE SECRETARY

CORRESPONDENCE  
FILE

May 13, 1997

Honorable Robert Torricelli  
United States Senate  
Washington, D. C. 20510-3003

Honorable Steve Rothman  
Congress of the United States  
House of Representatives  
Washington, D. C. 20515

Re: MM Docket No. 97-122  
File Nos. BRFT-970129YC  
BRFT-970129YD

Dear Senator Torricelli:

Thank you for your letter dated April 28, 1997, concerning the renewal applications for FM Translator Stations W276AQ(FM), Fort Lee, New Jersey and W232AL(FM), Pomona, New York and the application for construction permit for FM Radio Station WJUX(FM), Monticello, New York.

Your letter was forwarded to the Office of the Managing Director for reply in keeping with the Commission's ex parte rules, which deal with communications relative to all "restricted" proceedings under consideration by the Commission. The Managing Director asked me to respond on his behalf.

The ex parte rules require service on all parties of filings addressing the merits or outcome of restricted proceedings. Because the applications are in hearing status, the proceeding is considered "restricted" and will remain so until such time as a decision is no longer subject to reconsideration or review by the Commission or the courts. See 47 CFR Section 1.1208.

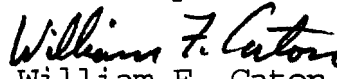
In accordance with FCC Rules as found in 47 CFR Section 1.1212(e), I have, by copies of this letter, provided notice and disclosure of your communication to all parties to this proceeding.

Additionally, this letter and your communication have been placed in a public file associated with (but not made a part of) the record in the proceeding. See 47 CFR Section 1.1212(d).

It should be noted, however, that it would of course be permissible under the Commission's *ex parte* rules for you to re-submit your letter if it is served (and shows service) on the parties to the proceeding listed below.

You may be assured that the Commission will closely examine all evidence in the record in order to determine which course of action will best serve the public interest, convenience and necessity.

Sincerely,

  
William F. Caton  
Acting Secretary

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April 28, 1997

Mr. Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Chairman Hundt:

For the past several years, we have been following the saga of Jukebox Radio, a highly popular, unique and indeed cherished FM radio station that provides high quality informational and entertainment programming to Bergen County, New Jersey. Indeed, Jukebox is Bergen County's first and only FM radio station.

In 1993, following seven years of negotiations with the FCC, Jukebox Radio began broadcasting its signal into Bergen County through an unusual but FCC-approved arrangement whereby its signal was relayed between points in New Jersey and New York.

Although the ownership of Jukebox has worked diligently to comply with FCC rules, the Commission in mid-April issued an order requiring a hearing on Jukebox's compliance with FCC regulations as well as the veracity of Jukebox's communications with the FCC. This hearing not only blocks an agreement with a third party that would bring Jukebox into full compliance with FCC rules but it also forces the ownership of Jukebox to obtain prohibitively expensive legal representation. These developments place Jukebox's operational viability in grave jeopardy.

We fully understand and of course support the FCC's duty to enforce regulations that maintain the integrity of our airwaves. Indeed, violations of FCC rules are a serious matter and must be vigilantly enforced. Still, Jukebox has worked to maintain compliance with FCC rules and the charges leveled against Jukebox appear to be minor and of a technical nature.

It would be a great tragedy if Jukebox Radio were to fall victim to bureaucratic machinations within the FCC. The unique community service -- including emergency notification -- Jukebox provides is a vital component of life in Bergen County. The station consistently ranks at the top of ratings and there is a deep support for the station among Bergen residents.

Chairman Hundt  
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We want to work with you to develop a plan that keeps Jukebox in compliance with FCC rules, properly adjudicates any FCC violations, past or present, and at the same time, keeps Jukebox on the air.

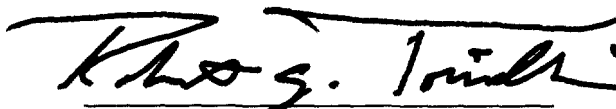
In fact, Jukebox's agreement to sell certain broadcasting assets to a third party would bring Jukebox into full compliance with FCC rules. This transfer appears to provide the best accommodation between the FCC and Jukebox. It is critical that the FCC deal with the pending concerns expeditiously and with an understanding of the unique service that Jukebox provides as Bergen County's only FM station. If Jukebox's broadcasting rights are terminated, FM radio for Bergen County will cease to exist.

We believe the most important aspect of this case is that Jukebox has a proposal pending for the FCC which, if approved, would resolve the long-standing technical difficulties that have plagued the station since its inception. The sooner the FCC addresses this proposal, the sooner Jukebox Radio's long-term problems will be resolved. We urge you to address the proposed sale as soon as possible.

You and your staff have been helpful and responsive in the past and we appreciate your diligence and sensitivity to our concerns. We know you share our support for ensuring that unique and informative community programming is protected on our airwaves. As such, we hope you will work to find a fair and equitable solution that keeps Jukebox on the air. If necessary, we would gladly arrange a meeting to personally discuss these issues.

Thank you for your attention to this important matter.

Sincerely,



ROBERT TORRICELLI  
United States Senator



STEVE ROTHMAN  
United States Congressman